

ESTTA Tracking number: **ESTTA309564**Filing date: **10/03/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92044697
Party	Defendant Jeannette Martello
Correspondence Address	Jeannette Martello 701 Fremont Avenue South Pasadena, CA 91030 UNITED STATES drmartello@hotmail.com, martello@skindeepworld.com
Submission	Response to Board Order/Inquiry
Filer's Name	Jeannette Martello
Filer's e-mail	drmartello@hotmail.com
Signature	/Jeannette Martello/
Date	10/03/2009
Attachments	OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+COVER+PAGE.pdf ( 1 page )(419917 bytes ) OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+PAGE+2.pdf ( 1 page )(990646 bytes ) OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+PAGE+3.pdf ( 1 page )(533547 bytes ) OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+EXHIBIT+1.pdf ( 1 page )(359685 bytes ) OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+EXHIBIT+2.pdf ( 1 page )(934813 bytes ) OCTOBER+3,+2009+RESPONSE+TO+BOARD+ORDER+EXHIBIT+3.pdf ( 1 page )(744619 bytes ) OCTOBER+3,+2009+PROOF+OF+SERVICE+COVER+PAGE.pdf ( 1 page )(438852 bytes ) OCTOBER+3,+2009+PROOF+OF+SERVICE+PAGE+1.pdf ( 1 page )(619627 bytes ) OCTOBER+3,+2009+PROOF+OF+SERVICE+PAGE+2.pdf ( 1 page )(349006 bytes ) SEPTEMBER+29,+2009+PROOF+OF+SERVICE+COVER+PAGE.pdf ( 1 page )(294691 bytes ) SEPTEMBER+29,+2009+PROOF+OF+SERVICE+PAGE+2.pdf ( 1 page )(860553 bytes ) SEPTEMBER+29,+2009+PROOF+OF+SERVICE+PAGE+3.pdf ( 1 page )(355175 bytes ) SEPTEMBER+29,+2009+PROOF+OF+SERVICE+PAGE+4.pdf ( 1 page )(265381 bytes )

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**Filed: October 3, 2009**

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1 My name is Jeannette Martello, M.D., J.D. and I am representing myself In Pro Se for  
2 Respondent Jeannette Martello, M.D. My business address is 701 Fremont Avenue, South Pasadena,  
3 California 91030. I am fully competent to make this declaration, and I have personal knowledge of the  
4 facts stated in this declaration. To my knowledge, all of the facts stated in this declaration are true and  
5 correct.

6 This response is to The Trademark Trial and Appeal Board's Order dated September 28, 2009  
7 that was mailed to Respondent on September 30, 2009 and received at Respondent's office on Friday,  
8 October 2, 2009. A scanned copy of the United States Patent and Trademark Office envelope postmarked  
9 September 30, 2009 is enclosed. Exhibit 1. This scanned copy is included for your review so as to show  
10 The Trademark Trial and Appeal Board that Respondent abided by The Trademark Trial and Appeal  
11 Board's Order to correct the situation within "five days from the mailing date of this order."

12 Enclosed, please find a completed and signed Proof of Service dated September 29, 2009.  
13 Respondent respectfully submits an apology for this oversight. Respondent regrets that this Proof of  
14 Service was inadvertently not placed in the package mailed to The Trademark Trial and Appeal Board  
15 or the package mailed to Petitioner's attorney Mr. David Hong. Accordingly, to correct this error,  
16 Respondent is filing the Proof of Service via ESTTA on October 3, 2009. Additionally, said Proof of  
17 Service will also be deposited in the United States mail today, on October 3, 2009 and mailed via first  
18 class mail to The Trademark Trial and Appeal Board's as well as to Petitioner's attorney Mr. David  
19 Hong.

20 Enclosed, please find the scanned copy of the U.S. Postal Service Delivery Confirmation Receipt  
21 dated September 29, 2009. Exhibit 2. According to the scanned United States Postal Service Track &  
22 Confirm, the Priority Mail Package that contained the Motion for Summary Judgment and Motion to  
23 Amend the Pleadings and 280 pages of Exhibits was delivered to Petitioner's attorney, Mr. David Hong  
24 on October 1, 2009 at 4:30 p.m. Exhibit 3.

25 With respect to The Trademark Trial and Appeal Board's Order dated September 11, 2009,  
26 Respondent respectfully submits an apology for not including her phone number on the previous papers  
27 submitted to The Trademark Trial and Appeal Board. This oversight will not happen again.



1 Lastly, a copy of this Declaration shall also be deposited in the United States mail today on  
2 October 3, 2009 and mailed to The Trademark Trial and Appeal Board as well as to Petitioner's attorney,  
3 Mr. David Hong.

4 The undersigned being warned that willful false statements and the like are punishable by fine or  
5 Imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may  
6 jeopardize the validity of the application or document or any registration resulting therefrom, declares that  
7 all statements made of her own knowledge are true; and all statements made on information and belief are  
8 believed to be true. I declare under penalty of perjury under the laws of the State of California that the  
9 above is true and correct. Executed on October 3, 2009 in South Pasadena, California.

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11 *Jeannette Martello, M.D., J.D.*  
12 Respondent, Jeannette Martello, M.D., J.D.  
13 In Pro Se  
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**United States Patent and Trademark Office**

**Commissioner for Trademarks**

**P.O. Box 1451**

**Alexandria, VA 22313-1451**

**If Undeliverable Return in Ten Days**

**OFFICIAL BUSINESS**

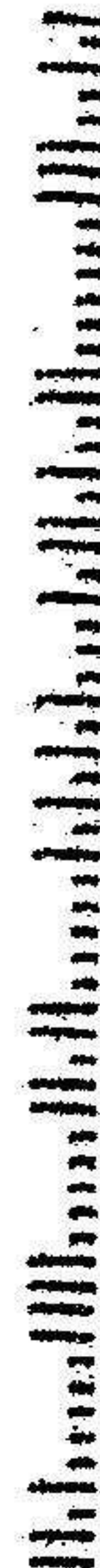
**PENALTY FOR PRIVATE USE, \$300**

**AN EQUAL OPPORTUNITY EMPLOYER**

92044697

JEANNETTE MARTELLO  
701 FREMONT AVENUE  
SOUTH PASADENA, CA 91030

9103032529 0015





# U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER: 5757 0330 0002 4048 5757

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

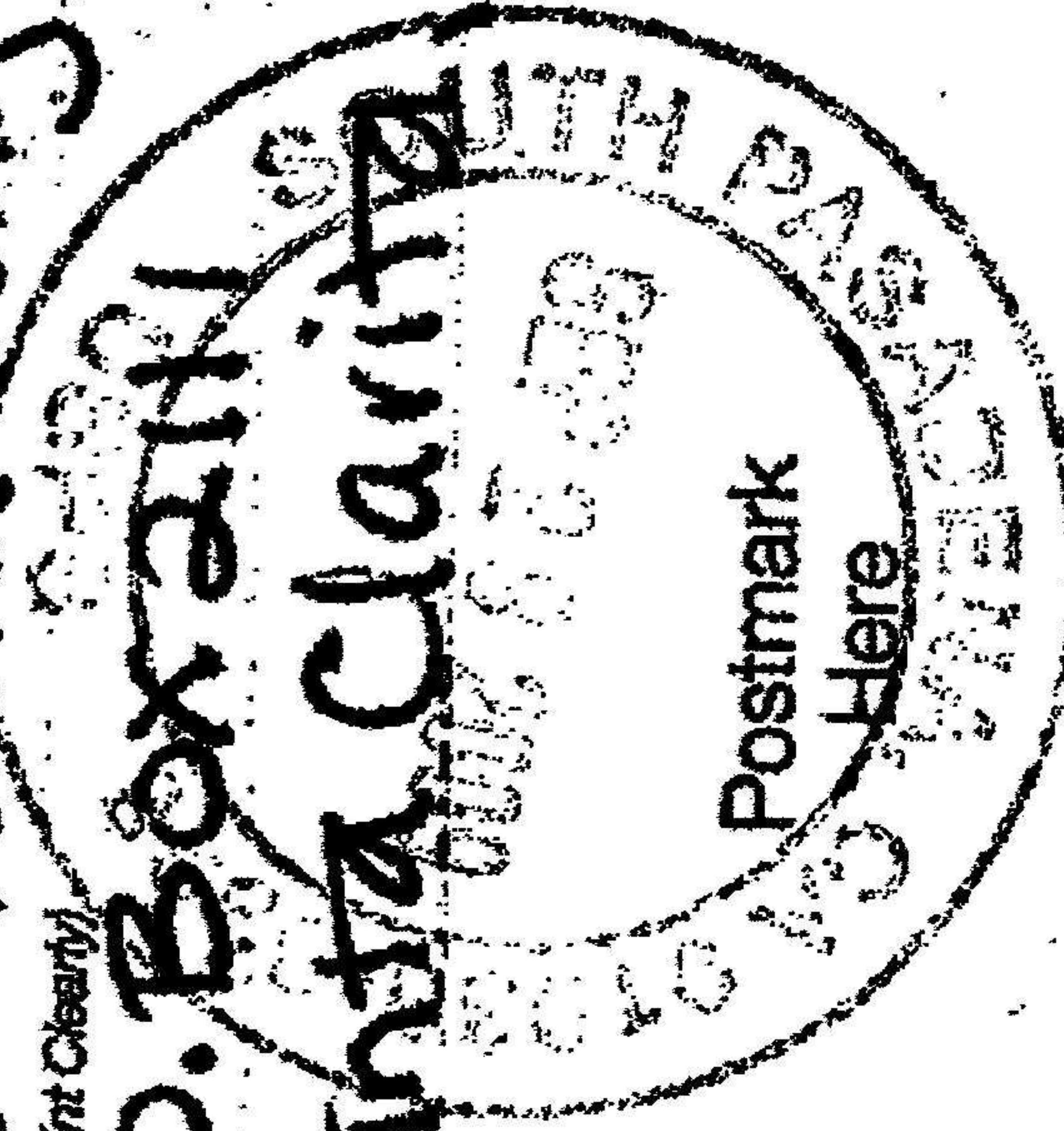
Mr. David Hong / Law Office of David Hong

(Please Print Clearly)

P.O. Box 2111

Santa Clarita

CA 91386



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- ☐ Priority Mail™ Service  
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☐ Package Services parcel

Cancellation no. 92044697

Respondent's Response to

Board Order October 3, 2009

PS Form 152, May 2002

Exhibit 2

(See Reverse)



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## Track & Confirm

### Search Results

Label/Receipt Number: 0309 0330 0002 4048 5755

Class: Priority Mail®

Service(s): Delivery Confirmation™

Status: Delivered

Your item was delivered at 4:30 PM on October 1, 2009 in CANYON COUNTRY, CA 91387.

#### Detailed Results:

- Delivered, October 01, 2009, 4:30 pm, CANYON COUNTRY, CA 91387
- Notice Left, September 30, 2009, 9:19 am, CANYON COUNTRY, CA 91386
- Out for Delivery or Available at PO Box, September 30, 2009, 9:18 am, VALENCIA, CA 91355
- Sorting Complete, September 30, 2009, 8:48 am, VALENCIA, CA 91355
- Arrival at Post Office, September 30, 2009, 6:41 am, VALENCIA, CA 91355
- Processed through Sort Facility, September 29, 2009, 9:19 pm, SANTA CLARITA, CA 91383
- Acceptance, September 29, 2009, 5:25 pm, SOUTH PASADENA, CA 91030

#### Notification Options

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Get current event information or updates for your item sent to you or others by email.

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The United States Postal Service is an Equal Opportunity Employer.



The United States Postal Service is committed to providing accessible services to all customers.

Cancellation no. 92044697

Respondent's Response to Board Order

October 3, 2009

Exhibit 3



**Jeannette Martello, M.D., J.D.**  
**Respondent, In Pro Se**  
**701 Fremont Avenue**  
**South Pasadena, CA 91030**  
**Office Telephone: (626) 403-1747**  
**Message Telephone (866) 7 SKIN DEEP**  
**Cellular Telephone (626) 818-0770**  
**Facsimile: (626) 403-1784**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

**ACM Enterprises, Inc.**  
**Petitioner**

**Cancellation no. 92044697**

**Filed: October 3, 2009**

**against**

**Jeannette Martello, M.D.**  
**Respondent, In Pro Se**

### RESPONDENT'S PROOF OF SERVICE

Cancellation no. 92044697  
Respondent's Proof of Service  
October 3, 2009  
Cover Page



1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I reside in the aforesaid County. I am over the age of 18 years and not a party to this matter. My  
4 residence address is 716 North Grand Avenue, Covina, California 91724. On October 3, 2009 I served the  
5 document(s) named below on the parties as follows:  
6

7 **DOCUMENTS SERVED:**

(1) Respondent's Response to Board Order with Exhibits 1  
through 3  
(2) Respondent's Proof of Service regarding mailing of  
Respondent's Motion for Summary Judgment and Motion to  
Amend the Pleadings and Respondent's Declaration in  
Support of Respondent's Motion for Summary Judgment  
and Motion to Amend the Pleadings and Exhibit pages 1  
through 280

11  
12 **SERVED UPON:**

**SEE ATTACHED MAILING LIST**

13 ☒ **(BY MAIL)** I caused each such envelope, with postage thereon fully prepaid, to be placed in the  
14 United States mail at the post office in South Pasadena, California.

15 ☒ **(STATE)** I declare under the penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct.

17 Executed on October 3, 2009, at South Pasadena, California.

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21 Nadine Tomala



**MAILING LIST**

**The United States Patent and Trademark Office**  
**Trademark Trial and Appeal Board**

Ms. Elizabeth Dunn, Attorney  
P.O. Box 1451  
Alexandria, VA 22313-1451

**Attorney for Petitioner**

Mr. David Hong  
Law Office of David Hong  
P.O. Box 2111  
Santa Clarita, CA 91386



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

ACM Enterprises, Inc.,

Petitioner,

- against -

Martello, Jeannette, M.D.,

Respondent.

Cancellation No.: 92044697

Filed: September 23, 2009

**RESPONDENT'S PROOF OF SERVICE OF  
MOTION FOR SUMMARY JUDGMENT AND  
MOTION TO AMEND THE PLEADINGS**



1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I reside in the aforesaid County. I am over the age of 18 years and not a party to this matter. My  
4 residence address is 404 Kendall Avenue, Los Angeles, California 90042.

5 On September 29, 2009 I served the document(s) named below on the party as follows:

6  
7 **DOCUMENTS SERVED:**

- (1) Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings  
(2) Declaration of Respondent in Support of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings  
(3) Exhibit pages 1 through 280 in Support of Respondent's Motion for Summary Judgment and Motion to Amend the Pleadings

11  
12 **SERVED UPON:**

**SEE ATTACHED MAILING LIST**

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14 ☒ **(BY MAIL)** I caused the United States Post Office Priority Mail package with postage thereon  
15 fully prepaid, to be hand delivered to the United States Post Office located in South Pasadena, California.  
16 A United States Post Office employee received the aforementioned documents that had been placed into a  
17 United States Post Office Priority Mail package for delivery. In order to document the date of receipt of  
18 the package, a U.S. Postal Service Delivery Confirmation Receipt was obtained at an additional cost.

19 ☐ **(BY FACSIMILIE)** The above-referenced document was transmitted by facsimile transmission  
20 and the transmission was reported as completed without error. Pursuant to C.R.C. §2009(i), I either  
21 caused, or had someone cause, the transmitting machine to properly transmit the attached documents to  
22 the facsimile numbers shown on the service list.

23 ☐ **(BY FEDERAL EXPRESS)** I am readily familiar with the collection and processing of  
24 documents for overnight delivery and know that the document(s) described herein will be deposited in a  
25 box or other facility regularly maintained by Federal Express for overnight delivery.

26 ☐ **(BY PERSONAL SERVICE)** I caused such document(s) to be delivered/personally served by  
27 the courier on the date as herein stated to the addressee(s) herein stated.



1 [X] (STATE) I declare under the penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct.

3 [ ] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at  
4 whose direction the service was made.

5

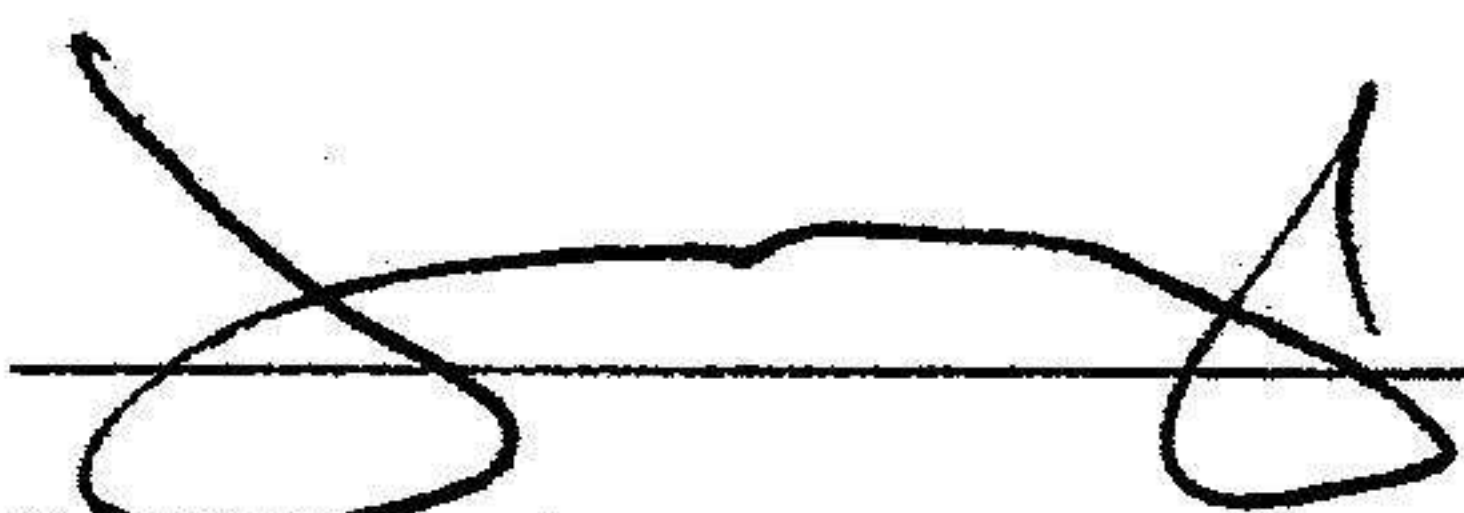
6 Executed on September 29, 2009, at South Pasadena, California.

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Jorge Garcia

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**MAILING LIST**

**Attorney for Petitioner**

Mr. David Hong

Law Office of David Hong

P.O. Box 2111

Santa Clarita, CA 91386